

REMARKS

Claims 15-32 are pending herein with Claims 15, 28, and 32 being independent claims. Claims 18, 24, and 25 have been objected to but would be allowable if rewritten. Claim 18 has been so rewritten.

35 U.S.C. § 102:

Claim 28 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,415,708 to Huber, et al. Huber was described as showing an extruder including a cutter, means for drying, means for tempering, and means for cutting. Specifically, Huber shows an extruder, a die assembly, and a dehydration assembly. The dehydration assembly includes an agitator and a cyclone.

In response to the last office action, the Applicant pointed out that Huber fails to show the first means for drying the product loaves, a means for cutting separate from the extruder, and a means for drying the product crumbs. In response, the Examiner stated that the dehydration assembly of Huber includes an agitator with the product dried therein by hot air and then a tower that causes further drying. The Examiner further stated that the claim does not define how the system is connected.

As a preliminary matter, the Applicant notes that the tower 66 can hardly be considered a second drying means as is claimed herein. Rather Huber specifically states that the extrudate is dried within the agitator 56 and only once the extrudate is dried will the material rise into and through the tower. "The residence time within the tower 66 is preferably about 1 to 2 seconds." See col. 6, lines 35-63. About 1 to 2 seconds is hardly sufficient for further drying.

Nonetheless, the Applicant has amended independent Claim 28 to specify that the second drying means is separate from the first drying means and follows the second cutting means. The distinct drying, tempering, cutting, and second drying steps are clearly not shown in any such order in the cited reference. The Applicant thus submits that independent Claim 28, and the dependent claims thereon, are patentable over the cited reference.

35 U.S.C. § 103:

Claims 15-17, 19-23, 26, 28-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stevens, et al. in view of Cross and Huber, et al. Stevens was described as showing an extruder, a segmenter, a dryer, a mill, and a sieve. Cross was described as showing an extruder with a cutter, a first dryer, and a second dryer. Likewise, Huber was described as showing an extruder with a cutter.

In response to the last Office Action, the Applicant pointed out that Stevens, Cross, and Huber all show an extruder with a cutter. Specifically, Stevens shows that the extruder has a rotating knife located in close proximity to the outlet of the extruder. *See* col. 4, lines 62-67. The only other device shown in the references that reduces the size of an object is thus the mill of Stevens. The Applicant therefore concluded that the mill of Stevens clearly cannot read on the cutter as claimed. In response, however, the Examiner stated that “*the mill functions to further cut the segments*; thus, it is not seen how this cannot be considered as a cutter.” (Emphasis added.)

The Applicant respectfully traverses the rejection. By the plain language of claims and the references, a cutter cuts and a mill grinds. There is absolutely no disclosure in Stevens or otherwise that the mill of Stevens performs a cutting function. Rather, Stevens describes the mill

as “grinding” the segments to produce free flowing particles in the range of about 177 microns and 1190 microns. “Amino acid granules with a particle size greater than about 1190 microns in cross-section diameter are returned to the mill for *regrinding*.” See col. 5, lines 18 -28. (Emphasis added.) Likewise, the specification and the claims herein also distinguish between cutting and grinding. See, e.g., Claims 18, 24, and 29.

Nonetheless, the Applicant has amended independent Claims 15 and 32 to specify that the further drying station is downstream of the second cutting station. No such arrangement is shown in the cited references. The Applicant thus submits that independent Claims 15 and 32, and the dependent claims thereon, are patentable over the cited reference.

Allowable Claims:

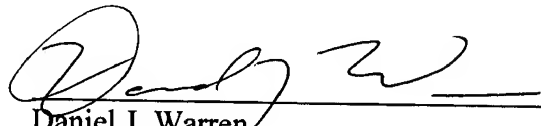
Claims 18, 24, and 25 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. The Applicant thus has rewritten dependent Claim 18 into independent form.

CONCLUSION

The Applicant believes that it has responded in each matter raised in the Office Action. Allowance of all claims is respectfully requested. Any questions may be directed to the undersigned at 404.853.8028.

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Respectfully submitted,


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